

REMARKS/ARGUMENTS

Claims 1-7 and 13-18 remain pending in the application. Applicant respectfully traverses the rejection and requests reconsideration and allowance of all pending claims.

Discussion of Rejections Under 35 U.S.C. §103

Claims 1-7 and 13-18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0094822 to Anctil et al. (hereinafter Anctil) in view of U.S. Patent No 6,535,815 to Bloebaum et al. (hereinafter Bloebaum) and U.S. Patent Application Publication No. 2003/0139175 to Kim (hereinafter Kim).

Applicant respectfully traverses the rejection and requests reconsideration and allowance of all pending claims.

**Claim 1** recites “[a] method for authenticating an application run on a mobile station.” The method includes “receiving within the mobile station a Short Message Service (SMS) message originated at the MPC and having a teleservice identifier field within the SMS message identifying a position location engine within the mobile station as a destination of information required to continue running the LBS application in response to the application being authenticated.” The claimed method features not only SMS messaging, but also “a teleservice identifier field within the SMS message identifying a position location engine within the mobile station as a destination of information.” Further, claim 1 features that the mobile station receives the SMS message “in response to the application being authenticated.” The references cited and relied upon by the Examiner fail to teach or suggest the claimed combination of features.

The Examiner concedes that Anctil and Bloebaum, whether alone or in combination, fail to teach or suggest the claimed feature of “receiving within the mobile station a Short Message Service (SMS) message originated at the MPC and having a teleservice identifier field within the SMS message identifying a position location engine within the mobile station as a destination of information.” *See, Office Action*, at page 3. The Examiner contends that the claimed feature is taught in Kim, citing to Kim at paragraphs 51-53, 58-63, 69, and 86-88. *See, id.*

However, Kim is directed to enabling remote access of an SMS enabled mobile terminal to address the problem where the "remote terminal supporting the SMS service becomes useless, when it is missing or not carried by the user." *Kim*, at paragraph [0014]. Kim is not directed to position location or location based service (LBS). Kim is also not directed to authentication of applications, much less authentication of LBS applications.

The Examiner contends that it would be "obvious to include the use of teleservice identifiers used to identify control functions, since such a modification allows access and control of various functions using a standardized messaging format." However, the Examiner fails to provide any discussion as to why or how one of ordinary skill in the art would be directed to utilize a teleservice identifier within an SMS message to perform the specifically claimed features from the vast array of messaging formats. Moreover, the Examiner fails to provide any argument as to how or why one of ordinary skill in the art would be motivated to make the necessary modifications to the teleservice identifiers as described in Applicant's detailed description. The Examiner further provides no reasoning as to why one of ordinary skill in the art would seek to modify the Kim reference for messaging rather than use the messaging format described in each of Anciau and Bloebaum. There is nothing in either Anciau or Bloebaum that suggests that the messaging formats described therein are somehow deficient. Additionally, Kim fails to teach or suggest the claimed feature that the Examiner contends is taught by Kim.

Claim 1 features "a Short Message Service (SMS) message originated by the MPC," where the MPC refers to the mobile positioning center that fulfills the request for authentication of an LBS application. Kim fails to teach or suggest any SMS message originated by a mobile positioning center. Kim fails to even describe a mobile positioning center in the application. Indeed, the Examiner does not even argue that Kim teach or suggest a mobile positioning center as originating an SMS message. Instead, the Examiner merely argues that a Message Center (MC) originates the SMS message. However, the Message Center (MC) described in Kim is merely that portion of a conventional network that supports "voice mail service and the SMS service." *Kim*, at paragraph [0005]. Kim fails to relate the MC in any way to a Mobile Positioning Center. The Examiner concedes that neither Anciau or Bloebaum teaches or suggests an SMS message, and thus Anciau and Bloebaum fail to cure this deficiency in the Kim reference. There is no language in any of the references cited and

relied upon by the Examiner that in any way teaches or suggests that a Mobile Positioning Center have the ability to originate an SMS message.

Claim 1 also includes the feature that the SMS message has “a teleservice identifier field within the SMS message identifying a position location engine within the mobile station as a destination.” Kim describes SMS messaging in general and the use of a teleservice identifier to permit remote access of SMS messaging. However, Kim fails to include any description of the position location process or of a position location engine within the mobile terminal, and thus Kim fails to provide any teaching or suggestion of an SMS message having a teleservice identifier field identifying a position location engine within the mobile station as a destination. Anciales and Bloebaum fail to cure this deficiency in Kim, and thus the combination of Anciales and Bloebaum with Kim fail to teach or suggest the claimed feature of “a teleservice identifier field within the SMS message identifying a position location engine within the mobile station as a destination.”

Claim 1 also features that the “teleservice identifier field within the SMS message identifying a position location engine...as a destination of information required to continue running the LBS application in response to the application being authenticated.” Thus, not only does the teleservice identifier field identify the position location engine as a destination of information, but the claim expressly identifies the information as “information required to continue running the LBS application in response to the application being authenticated.”

The Examiner does not cite to any portion of Kim nor provide any arguments linking the teleservice identifier field described in Kim to “information required to continue running the LBS application in response to the application being authenticated.” As noted above, neither Anciales or Bloebaum teach or suggest any relationship between any portion of an SMS message and authentication of an LBS application.

Therefore, Anciales, Bloebaum, and Kim, whether alone or in combination, fail to teach or suggest every claimed feature of Applicant's claim 1. None of the references teaches or suggests the particular claimed relationship between the authentication process, the origination of the SMS message, the destination of the SMS message, or the type of information that is indicated for the destination. Thus, the cited references, whether alone or in combination, fail to teach or suggest every feature of claim 1.

**Claim 15** includes features similar to those discussed above in relation to claim 1. In particular, claim 15 includes the feature of "if the application is authenticated, receiving within the mobile station a Short Message Service (SMS) message having a teleservice identifier field within the SMS message set to a predetermined value." Thus, claim 15 expressly relates authentication to the SMS message having a teleservice identifier filed set to a predetermined value. As noted above in relation to claim 1, none of the references relates the SMS messaging to LBS application authentication. Similarly, none of the cited references relates a teleservice identifier field within an SMS message to authentication. Furthermore, none of the cited references teaches or suggests that a particular teleservice identifier filed value be associated with authentication of an LBS application. Thus, claim 15 is believed to be allowable because the combination of Ancia, Bloebaum, and Kim fail to teach or suggest every claimed feature.

**Claims 2-7, 13-14, and 16-18** depend from one of claims 1 or 15 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Each of the dependent claims may have individual bases for patentability beyond those discussed above in relation to the independent claims. It is not necessary to discuss the patentable distinctions of each dependent claim because of the allowability of the base claims from which they depend. Applicant respectfully requests reconsideration and allowance of claims 2-7, 13-14 and 16-18.

#### CONCLUSION

Applicant believes that all claims pending in the application are allowable. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Applicant petitions the Director of the United States Patent Office to extend the time for reply to the Office Action dated January 2, 2008 for one month and authorizes the charge as set forth in §1.17(a) to Deposit Account No. 17-0026. Applicant believes that the instant response is filed within the Shortened Statutory Period for response provided in the Office Action of January 2, 2008, extended by one month as provided for under 37 CFR 1.136.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of

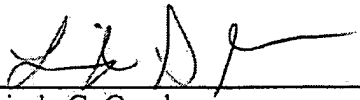
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time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated: 4/30/08

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